

STREET TRADING AND PEDLARY LAWS

March 2013

The LGA believes that the current plans to change street trading laws are unnecessary and risk jeopardising the progress councils have made in tackling the rising tide of cold callers and the nuisance that they cause.

Laws relating to street trading and pedlary are outdated and confusing, but it is more important to ensure there is a robust system of safeguards and sanctions in place to protect residents, businesses and communities from unscrupulous practices. Local councils are best placed to develop these safeguards in a fair and proportionate manner.

Although existing licensing regulations will continue to apply to street traders, this consultation proposes removing all regulation of a new definition of pedlars. We know that many of our member authorities have resorted to local acts to regulate pedlary and we will therefore want to press the Government to move ahead with a parallel commitment to examine what enforcement tools can be made available to tackle business and resident concerns about pedlars in the future. The LGA believes that councils should have a clear and consistent set of tools available to respond to the needs of residents and businesses when appropriate.

This proposal has the potential to impact significantly on a number of councils and their communities. We hear regular complaints about the activities of street traders forcefully selling their products, which has prompted many residents' associations to set up No Cold Calling Zones, and difficulties with enforcement. At the time when we are doing everything possible to encourage customers and residents to high streets and town centres, the potential for an increasing number of pedlars, operating much more freely, has the potential to undermine much of that good work. At the announcement of this consultation, we therefore publicly stated our concern to the relaxation around regulations of street traders and pedlars, warning against a rise in door to door sellers who could put the elderly and vulnerable at risk.

It is important that councils are able to effectively manage their town centres and streets to encourage economic growth, while still protecting their residents and visitors from fraud and nuisance. While councils and the police will retain powers to tackle illegal activity, such as selling counterfeit goods, harassment and fraud, councils will be unable to address ongoing resident and business concerns about pedlar activity in their communities. The proposals by BIS fail to recognise the unease that can be associated with itinerant business, which has been exemplified in recent years by concerns about face to face fundraisers and scrap metal collection. Residents and businesses suffer from the cumulative impact of such activity and often want their council to respond to their concerns. We strongly believe that further thought needs to be given to what measures can be made easily available to councils where specific and persistent issues occur associated with pedlar activity.

As with most regulatory activity, a balance needs to be struck between ensuring the free market intentions of the Directive are adhered to whilst at the same time respecting the needs of communities and dealing effectively with street trading or pedlar activity that creates concern. With this in mind, the Government has committed to working with local authorities to identify the precise challenges street trading brings with the aim of bringing in a new legal framework which enables authorities to respond to illegal street trading. The LGA welcomes any steps to understand the needs of councils and their communities; however, this work must include both pedlary and street trading and be carried out in parallel with the development of new regulations to ensure that the whole scheme is fully thought through from the outset.

The simplest and most straight forward way of giving councils the ability to respond to concerns about pedlars would be to include pedlary within Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. This would give councils discretionary powers to tackle specific issues in the same way as street trading. It would allow us to respond to local issues without tying up business in unnecessary red tape or the need to take up future political and parliamentary time to introduce new or amended local acts. Councils are highly experienced at balancing the needs of businesses, the wider economy and the needs of local residents. As such, these powers would only be used in a proportionate manner to target specific concerns and in full consultation with local communities.

About the LGA

The LGA is the national voice of local government. We work with councils to support, promote and improve local government.

We are a politically-led, cross-party organisation that works on behalf of councils to ensure local government has a strong, credible voice with national government. We aim to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems.

We are a membership organisation. In total, 423 local authorities are members of the LGA for 2012/13. These include English local councils, Welsh councils via the Welsh LGA, and fire, national park, passenger transport and police authorities, plus one town council.

If you require further information or detail on any of this response, then please contact:

Ian Leete
Adviser (Regulation)
Local Government Association



Local Government House, Smith Square, London, SW1P 3HZ